REMARKS

Claims 1 and 3-20 are pending in the present application. By this amendment, claims 1, 3-6, 9, 11-13, 16, and 18-20 are amended, and claim 2 is canceled without prejudice or disclaimer. Applicant respectfully requests reconsideration of the present claims in view of the foregoing amendments and the following remarks.

I. Information Disclosure Statements

The Office Action notes that the NPL references crossed out on the PTO-1449 Information Disclosure Statements (IDSs) provided by Applicant "are not relevant to application under examination." In particular, the Examiner has crossed out all of the Official Actions and Notices of Allowance of co-pending applications and patents listed on the IDSs.

If the Examiner has considered the Official Actions/Notices of Allowance and determined that they are not relevant to the application under examination, then Applicant respectfully requests that the Examiner initial the Official Actions/Notices of Allowance instead of crossing them out, which suggests that the Official Actions/Notices of Allowance have not been considered. If the Examiner is indicating, instead, that the Official Actions/Notices of Allowance are not in conformance and have not been considered, then Applicant respectfully requests that the Examiner consider *Dayco Products, Inc. v. Total Containment, Inc.* 329 F.3d 1358, 66 USPQ2d 1801 (Fed. Cir. 2003) in which the Federal Circuit explained that any information, not just prior art, could fall within the class of "material" information that the applicant is required to disclose to the Examiner. Accordingly, Applicant respectfully requests that the Examiner consider (if the Examiner has not already) the Official Actions/Notices of Allowance currently crossed out on the IDSs and return an initialed copy of the IDSs indicating that the Official Actions/Notices of Allowance have been considered.

Additionally, the IDS provided by Applicant on January 27, 2005, does not include any indication from the Examiner that the document cited on that IDS has been considered. Therefore, Applicant respectfully requests the Examiner to return an initialed copy of the January 27, 2005, IDS indicating that this reference has been considered.

II. Claim Rejections Under 35 U.S.C. §102

Claims 1-20 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent Publication No. 2003/0226015 to Neufeld et al. (hereinafter "Neufeld"). As indicated above, claim 2 is canceled without prejudice or disclaimer, rendering this rejection moot with regards to claim 2. Applicant respectfully traverses the rejections.

A. Claims 1, 3-8, and 16-20 are allowable.

As amended, claim 1 recites that a method for communicating with a computer management device comprises defining, at a host computer managed by the computer management device, one or more vendor specific commands, said vendor specific commands conforming to a first communication standard; emulating a device at the management device, the emulated device conforming to a second communication standard; transmitting, from the host computer, the one or more vendor specific commands to the emulated device over a communications link between the host computer and the management device, the communications link conforming to the second communication standard; receiving the one or more vendor specific commands at the management device; determining, at the management device, whether the one or more vendor specific commands are intended for the emulated device; and in response to determining that the one or more vendor specific commands are not intended for the emulated device, utilizing the received vendor specific commands for communicating with the management device.

Neufeld does not teach, suggest, or describe a method for communicating with a computer management device including the features recited by claim 1. On the contrary, Neufeld describes a method for accessing, interacting, and monitoring a managed server from a remote console including providing a remote management controller on a PCI bus of the managed server; snooping, at the remote management controller, the PCI bus for configuration transactions between a processor and a video graphics controller of the managed server; and routing keystrokes to a keyboard controller of the managed server from the remote console. Neufeld describes that the PCI bus of the managed system is the main communication interface between the managed server and the remote management controller. Neufeld further describes that the remote management controller includes a USB interface connected to one port of a USB controller typically located in a south bridge portion of the managed server and that the remote

management controller may emulate a USB device, such as a USB floppy drive or USB CD drive, that allows the remote management controller to mount additional storage volumes to the managed server residing on an application such as a remote management console.

This is not analogous to the method recited by claim 1 because Neufeld fails to teach, suggest, or describe transmitting, from the managed server, one or more vendor specific commands to a device emulated by the remote management controller over a communications link between the managed server and the remote management controller. Instead, Neufeld describes that the managed server transfers data between a processor of the managed server and a video graphics controller of the managed server over a PCI bus of the managed server and that the remote management controller snoops the data sent by the processor of the managed server to the video graphics controller of the managed server, without teaching, suggesting, or describing that the managed server transmits a vendor specific command to a device emulated by the remote management controller over a communication link between the managed server and the remote management controller. Neufeld describes that the remote management controller may emulate a USB device but fails to teach, suggest, or describe that the managed system transmits any commands to the USB device emulated by the remote management controller.

Further, Neufeld fails to teach, suggest, or describe receiving the one or more vendor specific commands at the remote management controller; determining, at the remote management controller, whether the one or more vendor specific commands are intended for the emulated device; and in response to determining that the one or more vendor specific commands are not intended for the emulated device, utilizing the received vendor specific commands for communicating with the remote management controller. As noted above, Neufeld does not teach, suggest, or describe transmitting, from the managed server, a vendor specific command to a device emulated by the remote management controller. It follows, then, that Neufeld also fails to teach, suggest, or describe receiving the vendor specific command at the remote management controller; determining whether the vendor specific command is intended for the emulated device; and if the vendor specific command is not intended for the emulated device, utilizing the vendor specific command for communicating with the remote management controller.

For at least the above reasons, claim 1 is allowable over Neufeld. Since claims 3-8 depend from claim 1 and recite additional features, Applicant respectfully asserts that claims 3-8 are also allowable over Neufeld. Claims 3-8 are also allowable over Neufeld for further reasons.

In particular, claim 3 recites that utilizing the received vendor specific commands for communicating with the management device in response to determining that the one or more vendor specific commands are not intended for the emulated device comprises utilizing data contained in the received vendor specific commands to configure the management device. Neufeld describes that the managed server transfers data between a processor and a video graphics controller of the managed server over a PCI bus of the managed server and that the remote management controller snoops the data sent by the processor of the managed server to the video graphics controller of the managed server, without teaching, suggesting, or describing that the managed server transmits a vendor specific command to a device emulated by the remote management controller or that data contained in the vendor specific command is utilized to configure the remote management controller.

Claim 5 recites that utilizing the received vendor specific commands for communicating with the management device in response to determining that the one or more vendor specific commands are not intended for the emulated device comprises determining coordinates of a user input cursor on a remote computer system, and returning the coordinates to the host computer in response to the received vendor specific commands. Again, Neufeld describes that the managed server transfers data over a PCI bus which is snooped by the remote management controller, without teaching, suggesting, or describing that the managed server transmits a vendor specific command to a device emulated by the remote management controller or that the vendor specific command is utilized for determining coordinates of a user input cursor on a remote computer system and returning the coordinates to the managed server in response to the received vendor specific commands. For at least these additional reasons, claims 3-8 are allowable over Neufeld. Accordingly, Applicant respectfully requests withdrawal of these rejections.

For reasons similar to those given above with regard to claim 1, Applicant respectfully submits that claim 16 is also allowable over Neufeld. Since claims 17-20 depend from claim 16 and recite further claim features, Applicant respectfully submits that Neufeld does not anticipate Applicant's claimed invention as embodied in claims 17-20. Accordingly, withdrawal of these rejections is respectfully requested.

B. Claims 9-15 are allowable.

As amended, claim 9 recites that a method for communicating with a computer management device comprises emulating a mass storage device at the management device, the mass storage device made available on a communication link between the management device and a host computer managed by the management device, the communication link conforming to a first communication standard; receiving at the management device, from the host computer, one or more vendor specific commands directed toward the mass storage device, the vendor specific commands conforming to a second communication standard and transmitted to the management device over the communication link conforming to the first standard; determining, at the management device, whether the received vendor specific commands are intended for communicating with the emulated mass storage device or for communicating with the management device; and in response to determining that the one or more vendor specific commands are intended for communicating with the management device, utilizing the received vendor specific commands for communicating with the management device.

Neufeld does not teach, suggest, or describe a method for communicating with a computer management device including the features recited by claim 9. In contrast, as discussed above, Neufeld describes a method for accessing, interacting, and monitoring a managed server from a remote console including providing a remote management controller on a PCI bus of the managed server; snooping, at the remote management controller, the PCI bus for configuration transactions between a processor and a video graphics controller of the managed server; and routing keystrokes to a keyboard controller of the managed server from the remote console. Neufeld describes that the PCI bus of the managed system is the main communication interface between the managed server and the remote management controller. Neufeld further describes that the remote management controller includes a USB interface connected to one port of a USB controller typically located in a south bridge portion of the managed server and that the remote management controller may emulate a USB device, such as a USB floppy drive or USB CD drive, that allows the remote management controller to mount additional storage volumes to the managed server residing on an application such as a remote management console.

This is not analogous to the method recited by claim 9 because Neufeld fails to teach, suggest, or describe receiving at the remote management controller, from the managed server, one or more vendor specific commands directed toward a mass storage device emulated at the

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remote management controller. Instead, Neufeld describes that the managed server transfers data between a processor of the managed server and a video graphics controller of the managed server over a PCI bus of the managed server and that the remote management controller snoops the data sent by the processor of the managed server to the video graphics controller of the managed server, without teaching, suggesting, or describing that the remote management controller receives a vendor specific command from the managed server directed toward a device emulated at the remote management controller. Neufeld describes that the remote management controller may emulate a USB device but fails to teach, suggest, or describe that the remote management controller receives any commands from the managed system to the USB device emulated by the remote management controller.

In addition, Neufeld fails to teach, suggest, or describe determining, at the remote management controller, whether the received vendor specific commands are intended for communicating with the emulated mass storage device or for communicating with the remote management controller, and in response to determining that the one or more vendor specific commands are intended for communicating with the remote management controller, utilizing the received vendor specific commands for communicating with the remote management controller. As discussed above, Neufeld does not teach, suggest, or describe receiving at the remote management controller, from the managed server, one or more vendor specific commands directed toward a mass storage device emulated at the remote management controller. It follows, then, that Neufeld also fails to teach, suggest, or describe determining whether the vendor specific command is intended for communicating with the emulated device or the remote management controller, and if the vendor specific command is intended for communicating with the remote management controller, utilizing the vendor specific command for communicating with the remote management controller.

For at least these reasons, claim 9 is allowable over Neufeld. Since claims 10-15 depend from claim 9 and recite additional features, Applicant respectfully asserts that claims 10-15 are also allowable over Neufeld. Accordingly, Applicant respectfully requests withdrawal of these rejections.

CONCLUSION

For at least these reasons, Applicant respectfully asserts that the pending claims 1 and 3-20 are in condition for allowance. Applicant further asserts that this response addresses each and every point of the Office Action and respectfully requests that the Examiner pass this application with claims 1 and 3-20 to allowance. Should the Examiner have any questions, please contact Applicant's attorney at 404.815.1900.

Respectfully submitted,

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